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WASTE AND ENVIRONMENT SERVICES

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REFERENCE: SDSPW-02-16

WILTSHIRE COUNCIL WASTE SERVICES: PROCESS FOR ADOPTION OF THE DRAFT SUPPLEMENTARY PLANNING DOCUMENT ‘ WASTE STORAGE AND COLLECTION: GUIDANCE FOR DEVELOPERS’

Purpose of Report

1. To:
 - (i) Seek Cabinet Member approval to consult with developers and agents on the draft Supplementary Planning Document (SPD), ‘Waste storage and collection: guidance for developers’. The consultation is a required stage in the formal process for adopting a SPD.
 - (ii) Seek Cabinet Member approval for the final stages of the SPD adoption process, as described in paragraph 41 below.

Relevance to the Council’s Business Plan

2. The adoption of the draft waste guidance SPD (see **Appendix 1**), which would follow the external consultation process, helps to meet the priorities of the Council’s Business Plan, including:
 - Outcome 3: Everyone in Wiltshire lives in a high quality environment
 - Principle 2: We are efficient and provide good value for money for our residents
 - Principle 3: We put outcomes for people and places first
 - Principle 6: Our services work well, are joined up and easy to access
 - Actions: We will increase recycling and reduce our carbon footprint.

Main Considerations for the Council

3. The draft waste guidance SPD is a technical document which provides developers and agents with key information about waste collection services at the earliest stage of the design process, to ensure that new developments are designed and built to enable the waste collection service to operate safely, efficiently and sustainably. It sets out information such as the sizes of vehicles used for waste collection by the Council, the maximum distances between residents’ container storage points (e.g. rear gardens) and collection points, and key features of communal bin stores.

4. The proposals will not result in a change of service to residents. If the draft waste guidance SPD is adopted after the public consultation process, the service to residents will remain the same in terms of the containers used and the materials collected. At new developments these services should be more accessible where the content of the draft waste guidance SPD informs the design of developments.

Benefits of adopting the draft waste guidance SPD

5. There are direct financial benefits to adopting the draft waste guidance SPD into Council policy, with the proposed external consultation being a necessary stage of the adoption process. The adoption of the document will finalise the policy basis for requesting Section 106 contributions from developers under the Town and Country Planning Act 1990 towards the cost of providing waste and recycling containers to households (see paragraph 21 for the background to this issue). It should embed the process of securing contributions in the planning application process. For developments with 11 or more residential units, each house would attract a contribution of £91 (except where flats have communal bin stores, where the figures adjust depending on the number of containers shared communally). Developments with fewer than 11 residential units would not be eligible for Section 106 contributions, in accordance with government guidelines on small developments. It should be noted that requests for Section 106 contributions are being made currently in response to planning application consultations. While there is a policy framework in place through the Wiltshire Planning Obligations SPD, further detailed policy backing via the adoption of the draft waste guidance SPD will enhance the justification for the request by providing the means of calculation.
6. In addition, the SPD status should improve access to waste collection services at new developments. This will reduce the amount of officer time spent dealing with the consequences of inadequate access to waste services once a development is built, such as where vehicles cannot access all parts of a site. It will also reduce the number of roads that require an inefficient, expensive bespoke solution (e.g. collections being made on smaller vehicles where the majority of the development is served by a standard vehicle) which will help to meet the Business Plan principle of being efficient and offering value for money.
7. Achieving SPD status will have a positive impact on customers. Any residents who move into new developments that are designed in accordance with the draft waste guidance SPD are far less likely to have to deal with problems caused by having insufficient storage space for bins or inadequate vehicle access to make collections feasible. These problems can lead to unsightly accumulations of bins at areas not designated for waste storage, which is counter to the high-quality environments that the Council's Business Plan aspires to.
8. Alongside these environmental benefits, the services will also be more accessible to residents and, in particular, would be easier for older and other vulnerable adult residents to use independently, without requiring help from others to put their bins out for collection. At some developments where the Council's requirements are not met, residents have to wheel/carry their containers over distances exceeding those set out in Building Regulations in order to receive a collection. This inconvenience can prevent residents from making full use of services, with recycling performance usually suffering as a result through reduced set out of recycling containers and increased amounts of waste being presented in residual waste bins. Such an outcome would be counter to the action of increasing recycling stated in the Business Plan.

9. A sustainable waste collection service is an essential component of a high-quality environment, so adoption of the draft waste guidance SPD would help to ensure that waste collection is a seamless, unobtrusive part of everyday life in new developments, rather than something that contributes to a lower quality of life.
10. It should be noted that while the draft waste guidance SPD will improve service accessibility, it cannot control the parking habits of residents once a development is occupied. Through responses to planning application consultations, the waste service looks at the impact of allocated parking on access to collection vehicles. However, once a development is occupied, residents or other site users may park outside of these allocated areas and impair access to collection crews. Other measures involving other departments or partner agencies may be required to address any such issues.

The consultation process

11. As noted in paragraph 1, the consultation process is a required stage in the process of adoption of a SPD. The consultation process will provide the opportunity to engage with developers and agents and understand any concerns they might have, such as the impact of the space required for waste services on the viability of a development (see paragraph 13). While the Council will have limited scope to adapt its technical requirements, as the vehicles are of a certain size and maximum distances between waste storage and collection points are determined by Building Regulations, the consultation process will allow the Council to review developers and agents' views. In response, the Council can either update the draft document to account for these views where possible or explain why the Council cannot change its approach, such as for operational reasons.
12. The consultation will directly target developers and agents because the draft waste guidance SPD provides information to those groups to inform the design process. This does not preclude input from members of the public as the consultation will be available through the consultation portal but it ensures that the groups who need to know about the document have the opportunity to comment on a draft.
13. Some developers have informally commented on the impact of the waste service's technical requirements on the viability of developments. The amount of space required for turning room for vehicles or the limitations on carry distances for crews and residents, for example, impact on the amount of space available for houses. The preference among developers for (often lengthy) narrow private drives designed for private cars to use does not fit with access to waste services. Developers generally suggest that using smaller vehicles would solve the issue, a position that is supported in the Department for Transport's *Manual for Streets*. Clearly the proposed solution would not be cost effective for the Council, as any smaller vehicles utilised in this way would be inefficient as they would service some roads within a development in isolation before moving to other difficult-access areas, while larger vehicles would be required for larger roads within a development. The Council should expect feedback on this issue from developers during the external consultation.

14. To prepare the draft waste guidance SPD for an external consultation, the document has been through an internal consultation with key departments within the Council – identified by the Spatial Planning Team – who could provide an overview of material planning considerations that may affect or may be affected by the proposals included in the draft waste guidance SPD. The internal consultation process invited comments from the following teams:
 - Spatial Planning
 - Development Control Central
 - Development Control North
 - Development Control South
 - Sustainable Transport
 - Urban Design
 - Fleet Services
15. The draft document was updated to accommodate comments from these teams and to include example sketches to demonstrate how the technical information provided could be translated into designs.
16. A key point considered in the internal consultation is how the amount of space required for turning room for vehicles or the limitations on carry distances for crews and residents impact on the amount of space available for houses, as referenced in paragraph 13 above. This issue was discussed with the urban design team and they noted that they already had concerns about the types of private drives that developers prefer to use from a design perspective, but they had also noted concerns about the impact on waste collections. In further development of the waste guidance document, the technical access requirements have been maintained because they are not out-of-step with the Council's design principles.
17. Following the consultation process, the draft waste guidance SPD will be reviewed and revised as appropriate to prepare it for formal adoption. The next steps in this process are set out in paragraph 41 below.

Background

18. To ensure that new residential housing developments are appropriately designed to accommodate access for essential waste services, in 2011 waste management services produced a draft guidance document (hereafter '2011 waste guidance') which provided developers with technical information about the collection service provided by the Council, as well as outlining the level of Section 106 contributions that would be required per development. The document was developed by selected colleagues in the waste management services and in development control during the 2010/11 financial year. The document was not subject to a formal internal or external consultation.
19. Since the 2011 waste guidance was issued, there have been a number of difficulties in securing compliance with the requirements of the document, as described in paragraphs 20 to 23 below. Mitigation to manage these difficulties is set out in those paragraphs.

20. Internal processes have been changed to ensure that the waste service is always consulted on development proposals. Waste technical officers respond to consultations by setting out the Council's technical requirements and the level of Section 106 contributions required for any applications with 11 or more residential units.
21. Due to the lack of external consultation on the 2011 waste guidance, and the consequent lack of formal policy basis for the request, some developers and agents challenged the validity of Section 106 contribution requests. Since this issue was identified, the Council's introduction of the Community Infrastructure Levy (CIL), the update of the Waste Core Strategy and the adoption of the Wiltshire Planning Obligations SPD developed the policy platform that would support the adoption of the draft waste guidance SPD. Formal adoption of the draft waste guidance SPD has had to follow on from these changes in the way that the Council would seek contributions from developers.
22. Many developers were not aware of the 2011 waste guidance and were designing sites without taking account of the Council's service delivery standards. As described in paragraph 3, the proposed external consultation process will provide the opportunity to engage the wider development community and raise awareness of the Council's technical requirements. The waste service has received and responded to more planning application consultations, as noted in paragraph 20, and in doing so has issued the draft waste guidance SPD as part of each response. This measure is raising awareness among the development community of the Council's requirements, but the formal process still needs to be followed.
23. Further experience of responding to planning applications highlighted areas of the 2011 waste guidance where additional technical content was required to align information with national standards. The document has been updated to take account of changes in service standards or changes in national standards up until the current time. The content is drawn from a range of nationally-recognised sources so the inclusion of this further detail gives greater authority to the Council's position. These sources include:
 - *Making Space for Waste: Designing Waste Management in New Developments – A Practical Guide for Developers and Local Authorities*, ADEPT
 - *Manual for Streets*, Department for Transport
 - *Safe waste and recycling collection services*, Health and Safety Executive, 2014
 - *Secured by Design: New Homes 2014*, Secured by Design
 - *The Building Regulations 2000 Approved Document: Drainage and Waste Disposal (Part H) (as amended)*, Office of the Deputy Prime Minister
 - *Waste Management in Buildings – Code of Practice (BS 5906:2005)*, BSI
 - *Waste and Recycling Vehicles in Street Collection*, Health and Safety Executive.

Overview and Scrutiny Engagement

24. There has been no engagement to date but it will follow the external consultation process where appropriate, taking account of all consultation responses received.

Safeguarding Implications

25. The proposed decision does not have direct safeguarding implications. However, the draft waste guidance SPD aims to make services more accessible and aims to reduce the likelihood of waste being poorly managed by households. For example, suitable space for waste storage should allow for waste to be properly contained in order to reduce the potential for odours and for unsightly accumulations of bagged waste or litter. There is the indirect benefit that children who live in new developments built in accordance with the technical guidance set out in the draft waste guidance SPD would be more likely to live in homes where waste is effectively managed, which would reduce the impact on quality of life and would contribute to making a home a sanitary environment in which to live (see the Public Health Implications below also).

Public Health Implications

26. The draft waste guidance SPD aims to ensure that an efficient and sustainable waste collection service can be delivered at all new developments. Where waste is effectively contained, it contributes to creating healthy environments and practices to ensure that communities stay healthy. Suitably contained waste will also ensure that there is not an increased risk of rodent infestation and that infectious diseases are not caused as a result of ineffective waste storage.
27. Where new developments are designed to accommodate access to waste and recycling collection services in accordance with the guidance in the draft waste guidance SPD, residents will be more likely to use recycling services. This will contribute to healthy environments because reliance on the forms of waste management which have the greatest environmental impact will be reduced.
28. The guidance provided in the draft waste guidance SPD requires collection points for waste containers to be located off the public highway/footway, which will help to prevent accidents related to trips, slips and falls or vehicles coming into contact with waste containers. Further, the general safety standards promoted by the draft waste guidance SPD will reduce the potential for accidents caused by operating waste collections in new developments.

Procurement Implications

29. None.

Equalities Impact of the Proposal (detailing conclusions identified from Equality Analysis, sections 4 and 5)

30. The proposal does not discriminate in the way the Council delivers services to the public. Anyone who moves into a home on a new development should have access to the same level of service as their neighbours. Not all properties that

are already built and occupied will have services that are as accessible as those delivered at new developments (hence the need for this proposal) simply due to the layout generating practical barriers to operating to the standards set out in the draft waste guidance SPD, such as in narrow roads in historic town centres or in more recent developments where suitable access to vehicles or storage space for containers was not provided. The Council's policies set out a consistent way to manage such exceptions related to the layout of properties. They also define a consistent way of managing other exceptions to the standard provision of services such as the assisted collection policy which helps those residents who are physically unable to place their containers at a collection point. These policies ensure that services are delivered in a non-discriminatory way and the proposal does not affect how these policies continue to be delivered.

Environmental and Climate Change Considerations

31. The proposal will lead to energy consumption remaining roughly at current levels, as collection vehicles still need to access all properties to carry out waste collections. As the total number of properties that require collections increase, emissions will increase, but this is not related specifically to the proposal. If the proposal was not accepted, the requirement to collect from these additional properties would still remain. However, if accessibility for the Council's standard fleet is improved where developments are designed and built in accordance with the guidance in the draft waste guidance SPD, the Council should avoid situations where the majority of a new development is serviced by a standard vehicle but (for example) a long cul-de-sac has to be accessed by a separate smaller vehicle. In this example, the smaller vehicle would be operating inefficiently and travelling long distances to empty small numbers of containers. If the standard vehicle could safely access the cul-de-sac, the emissions generated by the smaller vehicle would be avoided leading to decreased energy consumption.
32. In broad terms, there are no measures to reduce the carbon emissions associated with the proposal, as the configuration of the Council's fleet will not change immediately. The draft waste guidance SPD simply intends to improve accessibility for the Council's fleet. In this regard, collection rounds ought to become more efficient as one vehicle per commodity would access a development, as noted above. There are no environmental risks specifically related to the proposal but instead the proposal aims to mitigate risks that are currently faced by the waste collection service, such as the increased likelihood of operating inefficiently where the standard fleet cannot access all parts of a development.

Risk Assessment

Risks that may arise if the proposed decision and related work is not taken

33. The following risks may arise if the proposed decision is not taken:
 - (i) Developers may challenge requests for Section 106 contributions. While there is currently a policy basis for requesting these contributions, the draft waste guidance SPD is required to provide the detail to finalise the policy justification set out in the Waste Obligations SPD.

- (ii) The Council is likely to have to operate inefficient collection services at new developments if they are not designed and built in accordance with the draft waste guidance SPD.
34. In relation to risk (i) above, while there is currently a policy basis for requesting these contributions, the draft waste guidance SPD is required to provide the detail to finalise the policy justification for requesting contributions set out in the Waste Obligations SPD.
 35. If risk (ii) was realised, the cost of undertaking collections is likely to be higher as expensive workarounds, such as using smaller vehicles to collect from discrete parts of a new development, would be required.

Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks

36. The following risk may arise if the proposed decision is taken, with the associated action to manage the risk listed:

Risk	Action to mitigate the risk
Developers may challenge the council’s approach due to the impact on the viability of development	Use the consultation process to understand developers’/agents’ concerns and respond to these concerns, modifying the draft waste guidance SPD where possible or clearly explaining why it cannot be changed where it is not possible to amend.

Financial Implications

37. The proposal has positive financial implications. The proposed external consultation will ultimately lead to adoption of the draft waste guidance SPD, which creates the finalised policy justification for requesting Section 106 contributions from developers. For each development of 11 or more residential units, the Council will request contributions of £91 per property towards the cost of providing waste containers (except for flats which share communal containers, where the contributions are commensurate to the number of communal containers supplied).
38. Another benefit is that the Council would be able to operate efficiently at developments designed in accordance with the draft waste guidance SPD. When viewed in the context of all new developments across the county, the need to use smaller vehicles to operate inefficient rounds that require high mileage to service relatively few properties would be reduced. While the waste service will need to be adequately resourced to deal with property growth, the ability to operate efficiently should reduce the resource levels required to manage this property growth.

Legal Implications

39. The Council must comply with the provisions set out in the Town and Country Planning (Local Planning) (England) Regulations 2012 when following the process of adoption of a Supplementary Planning Document. The Council's Statement of Community Involvement (SCI) sets out the steps that the Council will follow in relation to consultation requirements set out in the regulations. The consultation will be carried out in accordance with the SCI to ensure compliance with the regulations and will be targeted at developers/agents, but open to the public to comment.
40. Formal adoption of the draft waste guidance SPD will provide the final policy detail to justify requests for Section 106 contributions, with support for the council's requests already provided by its application of the statutory tests for justification of Section 106 contributions set out in the CIL, the update of the Waste Core Strategy and the adoption of the Wiltshire Planning Obligations SPD.
41. Subsequent to the proposed consultation, the waste service will report to Cabinet to propose that a recommendation to adopt the final draft waste guidance SPD (which will be an updated version of **Appendix 1** taking account of consultation representations) be made to full Council. The function of adopting the document would be exercised by full Council in accordance with the Council's constitution.

Options Considered

42. The proposal to run an external consultation is a regulatory requirement, as set out in paragraph 39 above. The option to not carry out this stage has been considered but discounted as it would not allow the Council to fulfil its obligations when adopting SPDs.

Reasons for Proposals

43. To enable the Council to:
 - (i) Improve service delivery for residents in new developments.
 - (ii) Increase the efficiency and safety of waste collection operations at new developments.
 - (iii) Increase the recovery of Section 106 contributions where it is considered lawful to do so.
 - (iv) Comply with its statutory obligations in relation to adopting SPDs by carrying out an external consultation.

Proposals

44. That:

- (i) The external consultation on the draft waste guidance SPD be authorised.
 - (ii) The route to adoption for the draft waste guidance SPD as set out in paragraph 41 be approved.
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The following unpublished documents have been relied on in the preparation of this report:

None